

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF DELAWARE**

KENNETH L. HOLLAND,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C. A. No. 05-464-SLR
	)	JURY TRIAL DEMANDED
STANLEY TAYLOR, et al.,	)	
	)	
Defendants.	)	

**DEFENDANT'S MOTION FOR ENLARGEMENT OF TIME  
OUT OF TIME PURSUANT TO FED. R. CIV. P. 6(b)(2)**

Defendants, by and through undersigned counsel, respectfully move this Honorable Court to enter an Order granting an enlargement of one (1) day within which to file their *Motion for Summary Judgment* and supporting *Memorandum*. In support of this motion, Defendants offer the following:

1. On March 14, 2008, a scheduling order was issued in this case, establishing that discovery was due by May 1, 2008, and dispositive motions were due on Monday, June 2, 2008. (D.I.84).
2. Defense counsel had anticipated filing a motion for summary judgment with an accompanying memorandum of points and authorities on June 2, 2008. However, on June 1 and June 2, 2008, Defense counsel's computer network (maintained through the State of Delaware) was not functioning properly. As a result, counsel did not have access to e-mail (to communicate with her client regarding a necessary affidavit to the memorandum), the network drives (to open the dispositive motion files), or the internet (to access CM/ECF).
3. On June 3, 2008, with the network restored and the affidavit received, counsel

filed the dispositive motion on behalf of her clients.

4. Counsel therefore requests an enlargement of one (1) day for filing the Defendants' *Motion for Summary Judgment*.

5. There is no trial date scheduled in this case.

6. A form of order is attached to this motion that will grant the Defendant a one (1) day extension, in which to file Defendants' *Motion for Summary Judgment* and supporting *Memorandum*.

WHEREFORE, the Defendants respectfully request this Honorable Court to grant their Motion and enter an Order, substantially in the form attached hereto, enlarging Defendant's time until June 3, 2008, in which to file Defendant's *Motion for Summary Judgment* and *Memorandum*.

DEPARTMENT OF JUSTICE  
STATE OF DELAWARE

/s/ Catherine Damavandi  
Catherine Damavandi, ID #3823  
Deputy Attorney General  
820 N. French St. 6<sup>th</sup> Fl.,  
Wilmington, DE 19801  
(302)577-8400  
Attorney for Defendants

Dated: June 5, 2008

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FOR THE DISTRICT OF DELAWARE**

KENNETH L. HOLLAND,	)	
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Plaintiff,	)	
	)	
v.	)	C. A. No. 05-464-SLR
	)	JURY TRIAL DEMANDED
STANLEY TAYLOR, et al.,	)	
	)	
Defendants.	)	

**7.1.1 CERTIFICATION OF COUNSEL**

The counsel for Defendants, Deputy Attorney General Catherine Damavandi, files this certification in compliance with Rule 7.1.1 of the Local Rules of Civil Procedure and certifies that:

1. Plaintiff is an inmate incarcerated at the Delaware Correctional Center in Smyrna, Delaware.
2. Since the Plaintiff is not able to be reached by telephone, counsel for the Defendant has spent no time in attempting to reach an agreement on the subject of the motion for enlargement of time.
3. She assumes the motion is opposed.

DEPARTMENT OF JUSTICE  
STATE OF DELAWARE

/s/ Catherine Damavandi  
Catherine Damavandi, ID #3823  
Deputy Attorney General  
820 N. French St. 6<sup>th</sup> Fl.,  
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STANLEY TAYLOR, et al.,	)	
	)	
Defendants.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on June 5, 2008, I electronically filed the attached *Motion for Enlargement of Time Out of Time* with the Clerk of Court using CM/ECF. I further certify that on June 5, 2008, I caused the within document to be mailed by United States Postal Service to the following non-registered party:

Kenneth Holland, Inmate  
SBI#164800  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

STATE OF DELAWARE  
DEPARTMENT OF JUSTICE

/s/ Catherine Damavandi  
Catherine Damavandi, ID#3823  
Deputy Attorney General  
Department of Justice  
Carvel State Bldg., 6<sup>th</sup> Fl.,  
820 N. French Street  
Wilmington, DE 19801  
Attorney for Defendants